

for the Western District of Pennsylvania

United States of America,

FILEDFrederick Banks,
defendant.

15-CR-168

JAN 11 2016

CLERK U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIAMOTION TO TAKE JUDICIAL NOTICE

Defendant Frederick Banks moves to the Court to take judicial notice of the following facts.

1. Banks is an American Indian not an African American and the federal government recognizes and classifies him as an American Indian. See bop.gov inmate locator # 05711068. The PSI notes for case USA v. Banks, 03-CR-245 did not have the race box checked which is the initial point of confusion in the PSI's.
2. Banks has been confined since 8/7/15 (5 months). The government by virtue of its Discovery charged and submitted to the Grand Jury that defendant made/sent "Threatening and harassing" phone calls to "T.P." however at the arraignment on 8/11/15 SA Robert Werner admitted that the two calls to "T.P." did not connect. In other words "T.P." never received the calls. Also, Banks submitted a phone record he received from the government which clearly shows that at the time the Craigslist ad was posted he was on the telephone!!!
3. Despite the phone record the government cannot show a "Course of conduct" which is necessary to prove this case. The government has known this since at least 8/11/15 yet after 5 full months Banks continued to be confined.
4. Additionally, Banks notes that out of his Kindle and iPhone 4S the government booked marked 5 Law suits. Banks civil Actions should not be used to allow the government to maintain him in prison for the exercise of his Constitutional rights. Additionally, Banks never again for both of his computer hard drives, the images. Wherefore, the foregoing motion should be granted.

Respectfully Submitted,

Frederick Banks
120759, ACS
950 Second Ave
Pgh PA 15219

Certificate of Service

I hereby certify that on the 6th day of January, 2016 I served a true and correct copy of the foregoing by mail delivery upon the following: Office of the US Atty, 4000 US Courthouse, 1700 Grant St, Pgh PA 15219

Frederick Banks